

1 ERIC P. ISRAEL (State Bar No.132426)
eisrael@DanningGill.Com
2 GEORGE E. SCHULMAN (State Bar No. 064572)
gschulman@DanningGill.com
3 AARON E. DE LEEST (State Bar No. 216832)
adeleest@DanningGill.com
4 DANNING, GILL, ISRAEL & KRASNOFF, LLP
1901 Avenue of the Stars, Suite 450
5 Los Angeles, California 90067-6006
Telephone: (310) 277-0077
6 Facsimile: (310) 277-5735

7 Attorneys for Michael A. McConnell,
Chapter 11 Trustee
8

9 **UNITED STATES BANKRUPTCY COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **NORTHERN DIVISION**
12

13 In re
14 HVI CAT CANYON, INC.,
15 Debtor.
16

Case No. 9:19-bk-11573-MB

Chapter 11

**TRUSTEE'S STATUS REPORT RE
MOTION FOR PROTECTIVE
ORDER**

17 Date: June 15, 2020
18 Time: 10:30 a.m.
19 Place: Courtroom 201
1415 State Street
Santa Barbara, California
20 93101

21 Michael A. McConnell, Trustee ("Trustee") reports to the Court as follows,
22 with respect to the Rule 2004 subpoena served on GIT.

23 The subpoena was served upon GIT's registered agent on March 27,
24 2020. Thereafter, GIT moved for a protective order. (Case dkt. No. 909.) The
25 Trustee filed an opposition to the motion for a protective order. (Case dkt. No.
26 933.) GIT filed a reply. (Case dkt. No. 940.) Hearings were held on GIT's motion
27 on April 17, 2020, and May 20, 2020. On May 20, 2020, the Court continued the
28

1 hearing until June 15, 2020, and ordered the parties to file a status report, jointly if
2 possible, by June 12, 2020.

3 GIT was represented by Quinn, Emanuel until June 1, 2020. Thereafter, GIT
4 has been represented by Margulies Faith, LLP. (Case dkt. No. 1040.) The Trustee
5 engaged in multiple discussions and written exchanges with Quinn Emanuel. Upon
6 the substitution of Margulies Faith, the Trustee's counsel and Margulies Faith
7 conducted a Zoom conference on June 5, 2020, on a number of issues, including the
8 issue of compliance with the Rule 2004 subpoena. Thereafter, Trustee's counsel sent
9 an e-mail setting forth the history of the dispute to GIT's new counsel on June 9,
10 2020.

11 On May 18, 2020, GIT (through Quinn Emanuel) provided the Trustee with
12 the file structure of the GIT server, a list of documents it was producing
13 electronically, and access to a database comprising about 27,676 computer files
14 totaling about 13 gigabytes of data. The Trustee is reviewing the data. While those
15 files including some Microsoft Outlook items, the produced files do not include the
16 e-mail files for 55 employees and contractors promised by GIT to be produced on a
17 rolling basis. Nor do those files include any e-mails for six additional employees or
18 contractors of the Debtor identified by the Trustee to counsel.

19 There are two open areas from the Trustee's perspective:

- 20 1. GIT has provided the file structure of the GIT server, but has not yet
21 provided identification of the public and private locations (a distinction
22 GIT made in the declarations it submitted) and, for the public locations,
23 GIT has not advised the type or types of documents are in those public
24 locations. GIT has also not advised the locations on the server at which
25 HVI's electronic records reside.
- 26 2. GIT has not produced the e-mails of the 55 employees and contractors
27 that it agreed to produce without review, nor has GIT produced any e-mails
28 from the following six people which GIT agreed to produce after

1 review: Randeep Grewal, Susan Whelan, M. Ernesto Olivares, Alex
2 Dimitrijevic, Maribel Aguilera, and William LaFluer.

3 The Trustee requires access to the server to obtain the Debtor's own
4 documents for two reasons: First, to investigate the affairs of the Debtor. Second, to
5 advance claims by the Debtor and to defend against claims by others, including
6 claims by GIT.

7 Accordingly, the Trustee requests that the motion for a protective order be
8 denied and that GIT be ordered to make the server available for copying by the
9 Trustee.

10 Respectfully submitted:

11
12 DATED: June 12, 2020

DANNING, GILL, ISRAEL &
KRASNOFF, LLP

13
14
15 By: /s/ George E. Schulman
16 GEORGE E. SCHULMAN
17 Attorneys for Michael A. McConnell,
18 Chapter 11 Trustee
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1901 Avenue of the Stars, Suite 450, Los Angeles, CA 90067-6006.

A true and correct copy of the foregoing document entitled (*specify*): TRUSTEE'S STATUS REPORT RE MOTION FOR PROTECTIVE ORDER will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On June 12, 2020 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL: On June 12, 2020, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by causing to be placed a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor
HVI Cat Canyon, Inc.
c/o Capitol Corporate Services, Inc.
36 S. 18th Avenue, Suite D
Brighton, CO 80601

Debtor
HVI Cat Canyon, Inc.
630 Fifth Avenue
Suite 2410
New York, NY 10111

☐ Service information continued on attached page.

3. SERVED BY OVERNIGHT MAIL: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the following persons and/or entities by overnight mail service (FedEx - Monday delivery) as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 12, 2020
Date

Beverly Lew
Printed Name

/s/ Beverly Lew
Signature

ADDITIONAL SERVICE INFORMATION (if needed):

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”)

- **Anthony A Austin** anthony.austin@doj.ca.gov
- **William C Beall** will@beallandburkhardt.com, carissa@beallandburkhardt.com
- **Bradley D Blakeley** blakeley@blakeleylawgroup.com, bradleydblakeley@gmail.com
- **Alicia Clough** aclough@loeb.com, mnielson@loeb.com, ladocket@loeb.com
- **Marc S Cohen** mscohen@loeb.com, kyles@loeb.com
- **Alan D Condren** , berickson@seedmackall.com
- **Alec S DiMario** alec.dimario@mhlpl.com,
debra.blondheim@mhlpl.com;Syreeta.shoals@mhlpl.com
- **Jeremy Faith** Jeremy@MarguliesFaithlaw.com,
Helen@MarguliesFaithlaw.com;Vicky@MarguliesFaithlaw.com;Noreen@MarguliesFaithlaw.com;A
ngela@MarguliesFaithlaw.com
- **Karl J Fingerhood** karl.fingerhood@usdoj.gov, efile_ees.enrd@usdoj.gov
- **H Alexander Fisch** Alex.Fisch@doj.ca.gov
- **Don Fisher** dfisher@ptwww.com, tblack@ptwww.com
- **Brian D Fittipaldi** brian.fittipaldi@usdoj.gov
- **Ellen A Friedman** efriedman@friedmanspring.com, khollander@friedmanspring.com
- **Gisele M Goetz** gmgoetz@hbsb.com, ggoetz@collegesoflaw.edu;cecilia@hbsb.com
- **Karen L Grant** kgrant@silcom.com
- **Ira S Greene** Ira.Greene@lockelord.com
- **Matthew C. Heyn** Matthew.Heyn@doj.ca.gov, mcheyn@outlook.com
- **Brian L Holman** b.holman@mpglaw.com
- **Brian L Holman** b.holman@musickpeeler.com
- **Tracy K Hunckler** thunckler@daycartermurphy.com, cgori@daycartermurphy.com
- **Eric P Israel** eisrael@DanningGill.com, danninggill@gmail.com;eisrael@ecf.inforuptcy.com
- **Razmig Izakelian** razmigizakelian@quinnemanuel.com
- **Evan M Jones** ejones@omm.com, ejones@omm.com
- **Alan H Katz** akatz@lockelord.com
- **John C Keith** john.keith@doj.ca.gov

- **Jeannie Kim** jekim@sheppardmullin.com, lsemeraro@sheppardmullin.com
- **Mitchell J Langberg** mlangberg@bhfs.com, dcrudup@bhfs.com
- **Maxim B Litvak** mlitvak@pszjlaw.com
- **Vincent T Martinez** llimone@twitchellandrice.com, smccomish@twitchellandrice.com
- **Michael Arthur McConnell (TR)** Michael.mcconnell@kellyhart.com
- **Brian M Metcalf** bmetcalf@omm.com, brian-metcalf-9774@ecf.pacerpro.com
- **Jerry Namba** nambaepiq@earthlink.net,
G23453@notify.cincompass.com;annie_cunningham@ymail.com
- **David L Osias** dosias@allenmatkins.com,
bcrfilings@allenmatkins.com,kdemorest@allenmatkins.com,csandoval@allenmatkins.com
- **Darren L Patrick** dpatrick@omm.com, darren-patrick-
1373@ecf.pacerpro.com;sindelicato@omm.com;ejones@omm.com
- **Jeffrey N Pomerantz** jpomerantz@pszjlaw.com
- **Benjamin P Pugh** bpugh@ecg.law, mhamburger@ecg.law;calendar@ecg.law
- **Edward S Renwick** erenwick@hanmor.com, iaguiar@hanmor.com
- **J. Alexandra Rhim** arhim@hrhlaw.com
- **Todd C. Ringstad** becky@ringstadlaw.com, arlene@ringstadlaw.com
- **Mitchell E Rishe** mitchell.rishe@doj.ca.gov
- **George E Schulman** GSchulman@DanningGill.Com,
danninggill@gmail.com;gschulman@ecf.inforuptcy.com
- **Zev Shechtman** zshechtman@DanningGill.com,
danninggill@gmail.com;zshechtman@ecf.inforuptcy.com
- **Sonia Singh** ssingh@DanningGill.com, danninggill@gmail.com,ssingh@ecf.inforuptcy.com
- **Daniel A Solitro** dsolitro@lockelord.com, ataylor2@lockelord.com
- **Ross Spence** ross@snowspencelaw.com,
janissherrill@snowspencelaw.com;brittanyDecoteau@snowspencelaw.com
- **Christopher D Sullivan** csullivan@diamondmccarthy.com,
mdomer@diamondmccarthy.com;kmartinez@diamondmccarthy.com;quentin.roberts@diamondmcca
rthy.com;erika.shannon@diamondmccarthy.com;aiemee.low@diamondmccarthy.com
- **Jennifer Taylor** jtaylor@omm.com
- **John N Tedford** jtedford@DanningGill.com,
danninggill@gmail.com;jtedford@ecf.inforuptcy.com
- **Salina R Thomas** bankruptcy@co.kern.ca.us

- **Meagan S Tom** meagan.tom@lockelord.com,
autodocket@lockelord.com;taylor.warren@lockelord.com;autodocketdev@lockelord.com
- **Patricia B Tomasco** pattytomasco@quinnemanuel.com,
barbarahowell@quinnemanuel.com;cristinagreen@quinnemanuel.com
- **Fred Whitaker** lshertzer@cwlawyers.com, spattas@cwlawyers.com
- **William E. Winfield** wwinfield@calattys.com, scuevas@calattys.com
- **Richard Lee Wynne** richard.wynne@hoganlovells.com,
tracy.southwell@hoganlovells.com;cindy.mitchell@hoganlovells.com
- **Emily Young** pacerteam@gardencitygroup.com,
rjacobs@ecf.epiqsystems.com;ECFInbox@epiqsystems.com
- **Aaron E de Leest** adeleest@DanningGill.com,
danninggill@gmail.com;adeleest@ecf.inforuptcy.com